

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF TEXAS

OCT 24 2016

United States of America)

v.)

Case No.)

Clerk of Court

M-16-1969-M

TOVAR, Hector Faustino(USC) YOB: 1998)
 ZAPATA, Luis Alfredo(MXC) YOB: 1992)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/22/2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

21 USC 841 (a) (1)

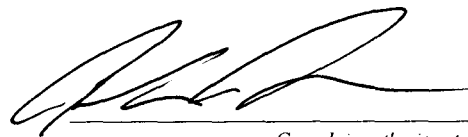
Possession with Intent to Distribute
 Marijuana, approximately 577.47
 kilograms, a schedule I controlled
 substance.

This criminal complaint is based on these facts:

(See Attachment I).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 10/24/2016City and state: McAllen, Texas


Complainant's signature

Ruben Duran, TFO DEA

Printed name and title



Judge's signature

Ignacio Torteya III, US Magistrate Judge

Printed name and title

ATTACHMENT I

1. On October 22, 2016 at approximately 1:40 PM, Border Patrol Agent Carlos Lopez was monitoring traffic using a mobile video camera and observed a white 1998 Ford F-150 traveling southbound from Military Highway and Border Road south of Weslaco, Texas towards the Rio Grande River. As the truck approached the river, Agent Lopez observed multiple subjects emerge from the river carrying large bundles believed to be marijuana and load them into the back of the pickup bed and into the vehicle compartment. Agent Lopez also stated that the subjects placed a blue tarp on the back of the bed to cover the bundles. Once the vehicle was loaded it traveled back north towards military highway.
2. Once the vehicle approached Military Highway, it turned eastbound. At this point, Border Patrol Agent Hans Zlomek arrived at the intersection of FM88 and Military Highway to attempt apprehension by activating his emergency equipment and initiating a stop of the vehicle. The suspect vehicle turned north on FM 88 and drove around Agent Zlomek's marked service vehicle. Border Patrol Agent Elde Garcia and K9 partner Felix arrived on scene during this time in an unmarked service vehicle and observed the suspect vehicle fleeing northbound on FM 88.
3. The suspect vehicle appeared to be having engine problems due to it traveling at a low speed. Agent Zlomek then drove behind Agent Garcia and Agent Garcia moved to the shoulder of the road to allow Agent Zlomek to get behind the suspect vehicle. As Agent Zlomek approached the suspect vehicle, it turned east onto Teran Street and the two male occupants bailed out and ran on foot. The driver and passenger ran eastbound through an open field. Border Patrol Agent Harrison Harding arrived on scene and apprehended the passenger, TOVAR, Hector. The driver, ZAPATA, Luis Alfredo, was apprehended by Border Patrol Agent Luis Flores. Both Agent Flores and Harding never lost sight of TOVAR and ZAPATA as they exited the vehicle.
4. Inside the suspect vehicle, USBP agents discovered 50 bundles of suspected marijuana and 10 caltrops on the driver seat. The vehicle, bundles and caltrops were transported to the Weslaco Border Patrol Station for processing. Once at the station, the substance was tested with the Duquenois-Levine Reagent System and tested positive for Marijuana. The narcotics weighed 577.47 kilograms (1273.10 pounds). The bundles were wrapped in black and brown cellophane.
5. At approximately 2:40 PM, DEA SA Joshua Hansen and TFO Ruben Duran arrived at the Weslaco, Texas Border Patrol Station. At approximately 2:52 PM, TFO Duran read ZAPATA his Miranda Warnings in Spanish. ZAPATA waived his rights through written and verbal consent and agreed to be interviewed by agents. ZAPATA stated that he due to criminal elements in Rio Bravo, Tamaulipas, Mexico trying to extort money from his

mother and sister, ZAPATA made arrangements with cartel members to cross illegally into the United States to work and send money to the cartel members. On the date of his arrest, ZAPATA assisted the cartel members transport the seized bindles of marijuana by carrying the boat used to transport the marijuana to the river and then holding the boat in the river while the bundles were loaded. ZAPATA then swam across the Rio Grande River with a group of about twenty males who then unloaded the marijuana and put the marijuana in the white Ford F-150. ZAPATA then got in the Ford F-150 as a passenger and found TOVAR driving the vehicle. Once the truck was loaded with the marijuana TOVAR began driving north from the river but was unable to effectively drive the trucks standard transmission. TOVAR then asked ZAPATA to drive and ZAPATA traded seats with TOVAR and began driving the Ford F-150. ZAPATA then noticed USBP vehicles driving behind the Ford F-150 with their light and sirens activated. ZAPATA attempted to drive for approximately one kilometer before putting the truck in park and trying to run from the vehicle. After running for a short distance both ZAPATA and TOVAR were apprehended by USBP agents.

6. At approximately 3:15 PM, SA Hansen and TFO Duran read TOVAR his Miranda Warnings in English. TOVAR refused to answer agent's questions and requested an attorney.